



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

September 7, 2007

Re: Ross County  
Dust Complaint

**Certified: 70063450000190560129**

Mr. Randy Fink  
106 State Route 180  
Chillicothe, Ohio 45601

Dear Mr. Fink:

I am writing this letter in response to a complaint received by this office. The complaint alleges that dust emissions from your private race track are impacting your neighbors. On August 21, 2007, I received a video that clearly shows large amounts of dust being emitted from the track when two go-carts were racing on the track. It does not appear that water or any other type of dust control was being used.

On May 5, 2007, I spoke to you by phone in regard to a previous dust complaint concerning your race track. We discussed using water or calcium chloride for dust control while the track is in use.

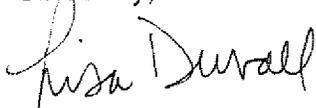
The Ohio EPA regulates the emissions of fugitive dust under Ohio Administrative Code (OAC) rule 3745-17-08. OAC rule 3745-15-07 prohibits air pollution nuisances. Your race track is a fugitive dust source. Because of the race track's location (not in an Appendix A area, as described in OAC rule 3745-17-08), this fugitive dust source is not currently required to implement reasonably available control measures to prevent fugitive dust from becoming airborne. However, if the fugitive dust emissions from the race track are emitted into the open air in such a manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, the emissions can be declared a nuisance. If a violation of OAC rule 3745-15-07 is documented, you will be required to implement the appropriate reasonably available control measures specified in OAC rule 3745-17-08(B) to prevent fugitive dust from becoming airborne and you may be required to apply for and obtain a permit to operate for the race track.

I am requesting that you submit a plan and schedule that addresses the measures that will be taken to control the dust emissions from your race track when the track is in use. Please submit the plan and schedule within fourteen days of receipt of this letter. As mentioned above, if the dust emissions from the operation of the race track are not adequately controlled and a violation of OAC rule 3745-15-07 is cited, further legal action may be taken against you.

Mr. Randy Fink  
September 7, 2007  
Page 2

If you have any questions regarding this matter, please contact me at 740-380-5217.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Duvall".

Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm